

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TRADEBE ENVIRONMENTAL §  
SERVICES, LLC D/B/A §  
TRADEBE TREATMENT AND §  
RECYCLING, §  
Plaintiff, §  
v. §  
CITY OF LA PORTE, §  
Defendant. §**

**Civil Action No. \_\_\_\_\_  
(JURY DEMANDED)**

**CITY OF LA PORTE’S NOTICE OF REMOVAL**

1. The City of La Porte (the “City”), the defendant in this civil action, files this notice of removal pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) and (b).

**I.**

**Identity of State Court Action Being Removed**

2. The civil action being removed was initiated in the 165th Judicial District of Harris County, Texas, and was assigned docket number 2018-83751.

**II.**

**Basis for Removal**

3. The City is entitled to remove this case to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 because this is a civil action involving claims arising under the Constitution, laws, or treaties of the United States.

On November 11, 2018, Plaintiff, Tradebe Environmental Services, LLC d/b/a Treatment Tradebe Treatment and Recycling (“Tradebe”) commenced this action by filing an Original Petition, Application for Temporary Restraining Order, Temporary and Permanent Injunction, and Request for Declaratory Relief (“Original Petition”) in the 165th Judicial District Court of Harris County, Texas. Tradebe alleges, inter alia, that certain actions by the City violated Tradebe’s “rights and protections under the laws of the United States Constitution.” (See paragraph 26 of the Original Petition).

### **III. Jurisdiction**

4. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331, 1343 and 1441 because Tradebe has alleged violations of the United States Constitution and asserted claims for recovery under federal law.

### **IV. Venue**

5. Venue is proper in the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1441(a) and 1446(a) because the state court action is pending in Harris County, Texas, which is within this judicial district and division.

**V.**

**The City has Complied with the Requirements for Removal**

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). The City was served with the Petition in the state court proceedings on November 21, 2018. This notice of removal is being filed within thirty days of receipt of the initial pleading.

**VI.**

**State Court Process, Pleadings and Orders**

7. The City will give notice of filing of this notice of removal to all parties of record pursuant to 28 U.S.C. § 1446(d). The City will also file with the clerk of the state court, and will serve upon Tradebe's counsel, a notice of the filing of this notice of removal.

8. The City has attached to this notice of removal copies of: a) all executed process; b) the state court pleadings; c) all orders signed by the state court judge; d) the state court docket sheet; e) an index of matters being filed; and f) a list of all counsel of record, as required by 28 U.S.C. § 1446(a) and Local Rule 81 of the United States District Court, Southern District of Texas.

9. As of the filing of this notice of removal, no other defendants have been "properly joined and served," and, therefore, the City is not required to obtain consent to the removal of this action from other defendants pursuant to 28 U.S.C. § 1446(b)(2)(A).

**VII.**  
**Jury Demand**

10. Tradebe has included a jury demand in its petition in the state court action.

**VIII.**  
**Exhibits**

11. Pursuant to Rule CV-81 of the Local Civil Rules for the Southern District of Texas, the following documents are attached to this notice of removal as corresponding lettered exhibits:

**Exhibit A** Index of Matters Being Filed – (with the referenced state court documents attached and labeled as Exhibits A-1 *et seq.*).

**Exhibit B** A list of all counsel of record.

Respectfully submitted,

**OLSON & OLSON, L.L.P.**

By: /s/ John J. Hightower  
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**ATTORNEYS FOR DEFENDANT,**  
**CITY OF LA PORTE**

**CERTIFICATE OF SERVICE**

I certify that on the 12th day of December, 2018, a copy of *City of La Porte's Notice of Removal* was electronically filed and served on counsel of record listed below using the Court's EF/CM system pursuant to Federal Rule of Civil Procedure 5 and United States District Court for the Southern District of Texas Local Rule 5:

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***Via certified mail and  
facsimile***

/s/ John J. Hightower  
John J. Hightower